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## CITY COUNCIL AGENDA ITEM

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**TO:** Mayor & City Council

**DATE:** November 26, 2013

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Consideration of the Acceptance of the dedication of a Right of Way Deed as part of the Zoning Requirements (4739 Powers Ferry Road)

**MEETING DATE:** For Submission onto the December 3, 2013, City Council Regular Meeting Agenda

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**BACKGROUND INFORMATION:** (Attach additional pages if necessary)

See attached:

Memorandum  
Exhibits  
Resolution

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**APPROVAL BY CITY MANAGER:**                     JTM                     APPROVED

**PLACED ON AGENDA FOR:**                     12-3-2013                    

**CITY ATTORNEY APPROVAL REQUIRED:** ( ☒ ) YES ( ☐ ) NO

**CITY ATTORNEY APPROVAL:**                     SM                    

**REMARKS:**



TO: John McDonough, City Manager

FROM: Garrin M. Coleman, P.E., Public Works Director

DATE: November 15, 2013, for Submission onto the Consent Agenda of the December 3, 2013 City Council Meeting

ITEM: Consideration of the Acceptance of the dedication of a Right of Way Deed as part of the zoning requirements.

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***Recommendation:***

Staff recommends that the Mayor and City Council accept the right of way deed dedicating all that tract or parcel of land lying and located in Land Lot 119 of the 17<sup>th</sup> District, Fulton County, Georgia. The property as shown in the attached exhibits is being dedicated by the property owner, EAH Investments, LLC, and is more specifically known as 4739 Powers Ferry Road. The dedicated right of way totals 4,005.00 square feet and is being dedicated as required by conditions of zoning.

***Background:***

Right of way is being dedicated per the requirements/conditions of zoning and the Development Regulation Ordinance. The property owners have paid the recording fees and met the requirements of the Transportation Planning Division of the Public Works Department and the City's Right of Way Specialist for the dedication of the right of way.

***Discussion:***

N/A

***Alternatives:***

N/A

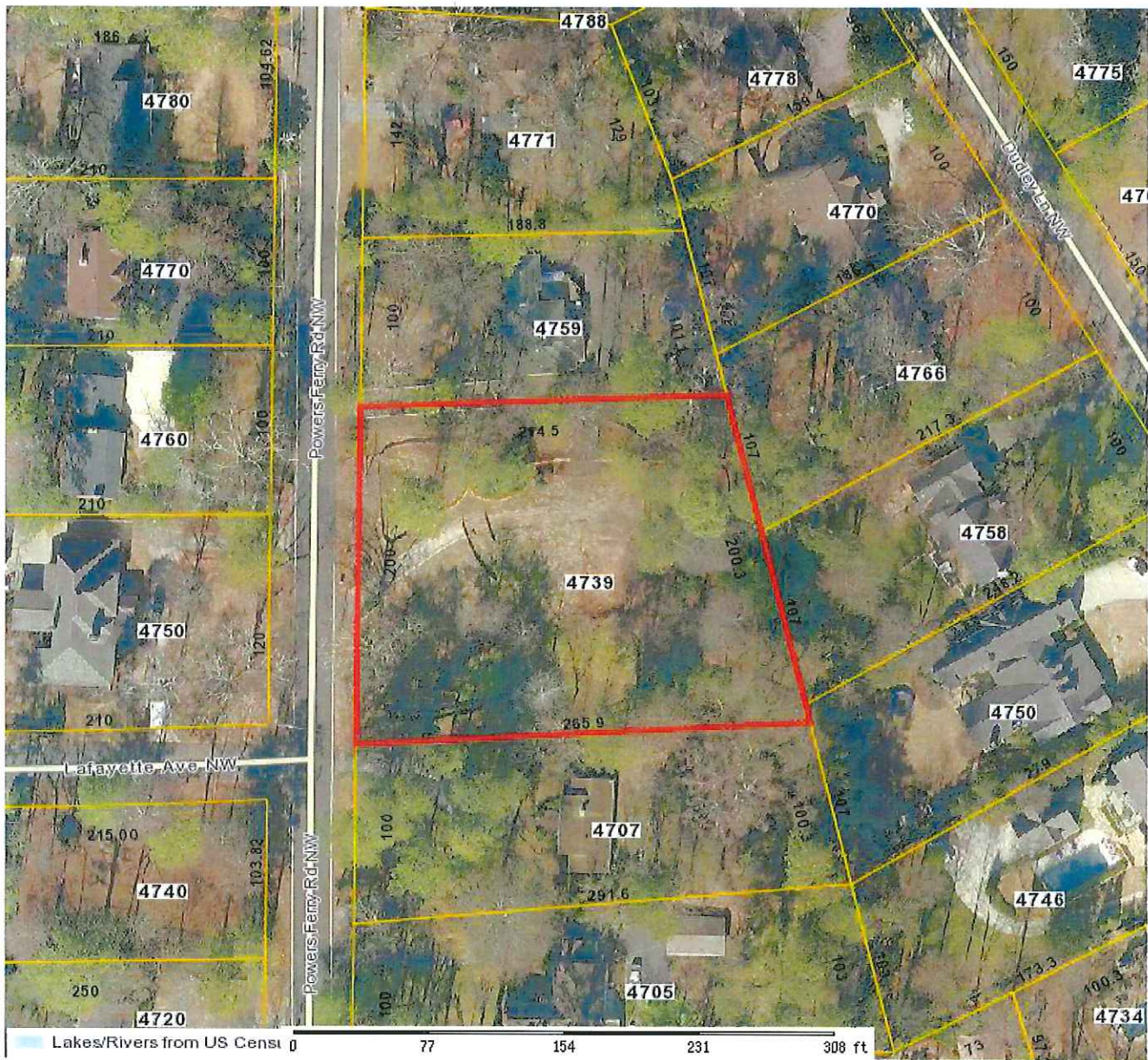
***Financial Impact:***

None. This is a dedication at no cost to the City.

***Attachments:***

- I. Exhibits
  - Aerial and GIS Maps
  - Executed Right of Way Deed including Plats and Legal Description
- II. Resolution





# ROW Deed of Dedication / 4739 Powers Ferry Road / EAH Investments, LLC

Parcel: 17 011900010050 Acres: 0

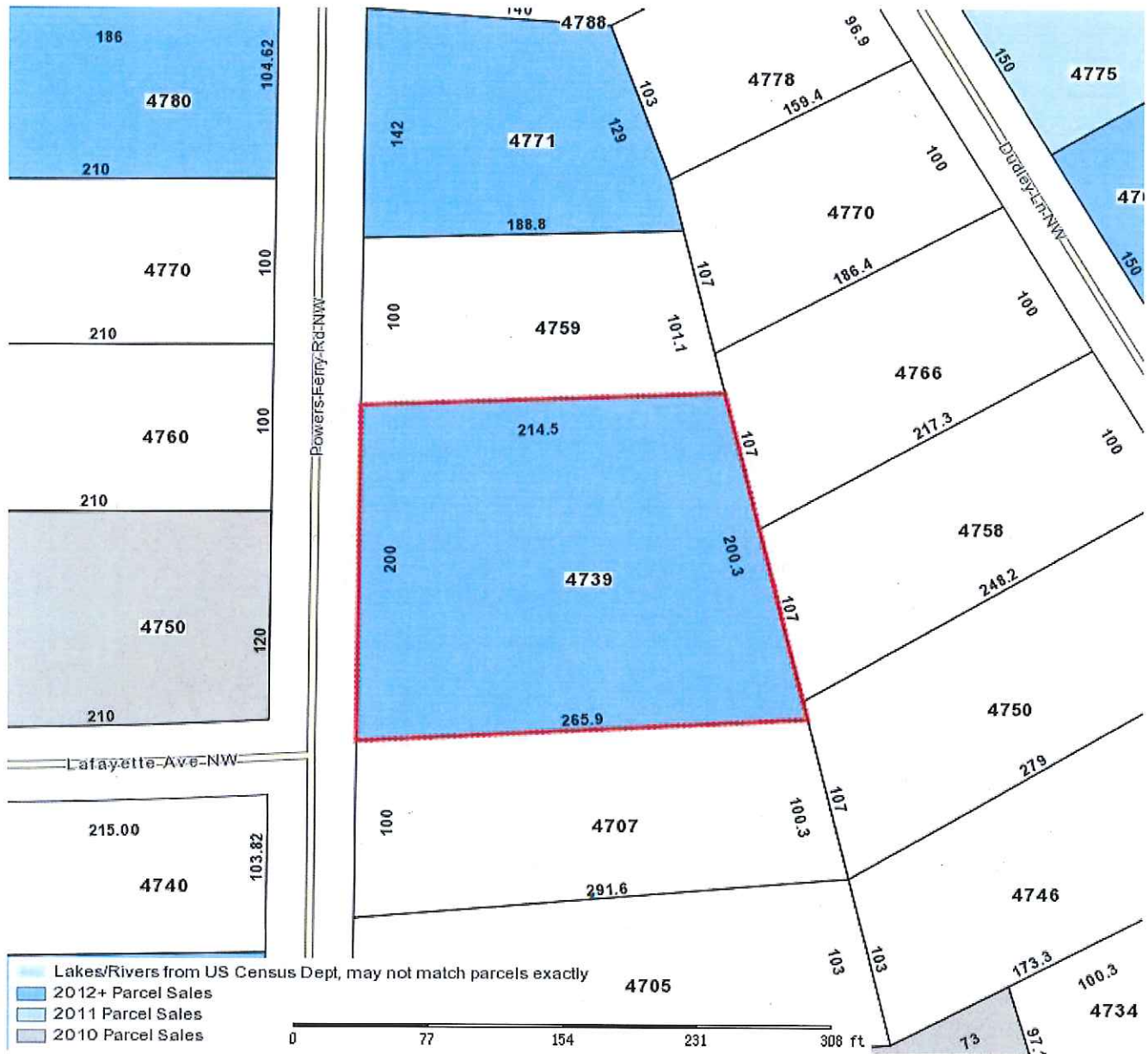
Name:	CROSS NICK	Land Value	\$ 220,000
Site:	4739 POWERS FERRY RD	Building Value	0
Sale:	\$650,000 on 2013-02-15 Reason=U Qual=9	Misc Value	0
Mail:	P O BOX 19062 ATLANTA, GA 31126	Total Value:	\$ 220,000



The Fulton County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER FULTON COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 11/12/13 : 11:21:08





# ROW Deed of Dedication / 4739 Powers Ferry Road / EAH Investments, LLC

Parcel: 17 011900010050 Acres: 0

Name:	CROSS NICK	Land Value	\$ 220,000
Site:	4739 POWERS FERRY RD	Building Value	0
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Date printed: 11/12/13 : 11:20:12

## RIGHT OF WAY DEED

STATE OF GEORGIA  
FULTON COUNTY

THIS INDENTURE, made this 7<sup>th</sup> day of November, 2013, between EAH Investments, LLC, as Grantor, and the City of Sandy Springs, GA, a municipal corporation of the State of Georgia, as Grantee.

WITNESSETH: That for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration in hand paid, the receipt whereof is hereby acknowledged, Grantor does grant and convey unto Grantee, its successors and assigns, the following property, to wit:

That tract of land lying and being in Land Lot 119 of the 17 th District of Fulton County, Georgia and being furthermore described in Deed Book 52285, Page 306-309.  
Furthermore, the property can be more particularly described in Exhibit "A" and shown on Exhibit "B" both hereby made part of by reference.


It is the intent of both parties that the City of Sandy Springs, Georgia, shall receive fee simple Right of Way along Powers Ferry Rd. with a total depth of 40 feet from existing centerline and equaling 4,005 sf/0.09 acres square feet/acres for the purpose of road improvements. This dedication is in conjunction with the City of Sandy Springs Community Development Department File No.: 2013 000 93.

To have and to hold the bargained premises unto Grantee, its successors and assigns forever in fee simple.

Grantor(s) will forever warrant and defend the title to the bargained premises unto Grantee, its successors and assigns against the claims of all persons whomsoever.

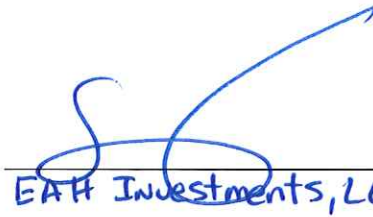
IN WITNESS WHEREOF Grantor has here unto caused this deed to be executed and its seal affixed hereto the day and year above written.

Signed, sealed and delivered in the presence of:



Unofficial Witness

By:



(SEAL)

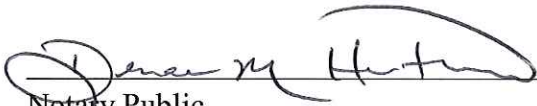
Name:

EAT Investments, LLC

George Ojanuga

Title:

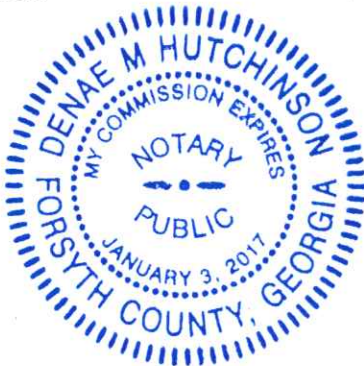
CFO



Notary Public

Attest:

(SEAL)



**PROPERTY ADDRESS:**

4739 POWERS FERRY ROAD  
SANDY SPRINGS, GEORGIA 30328

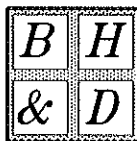
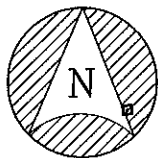
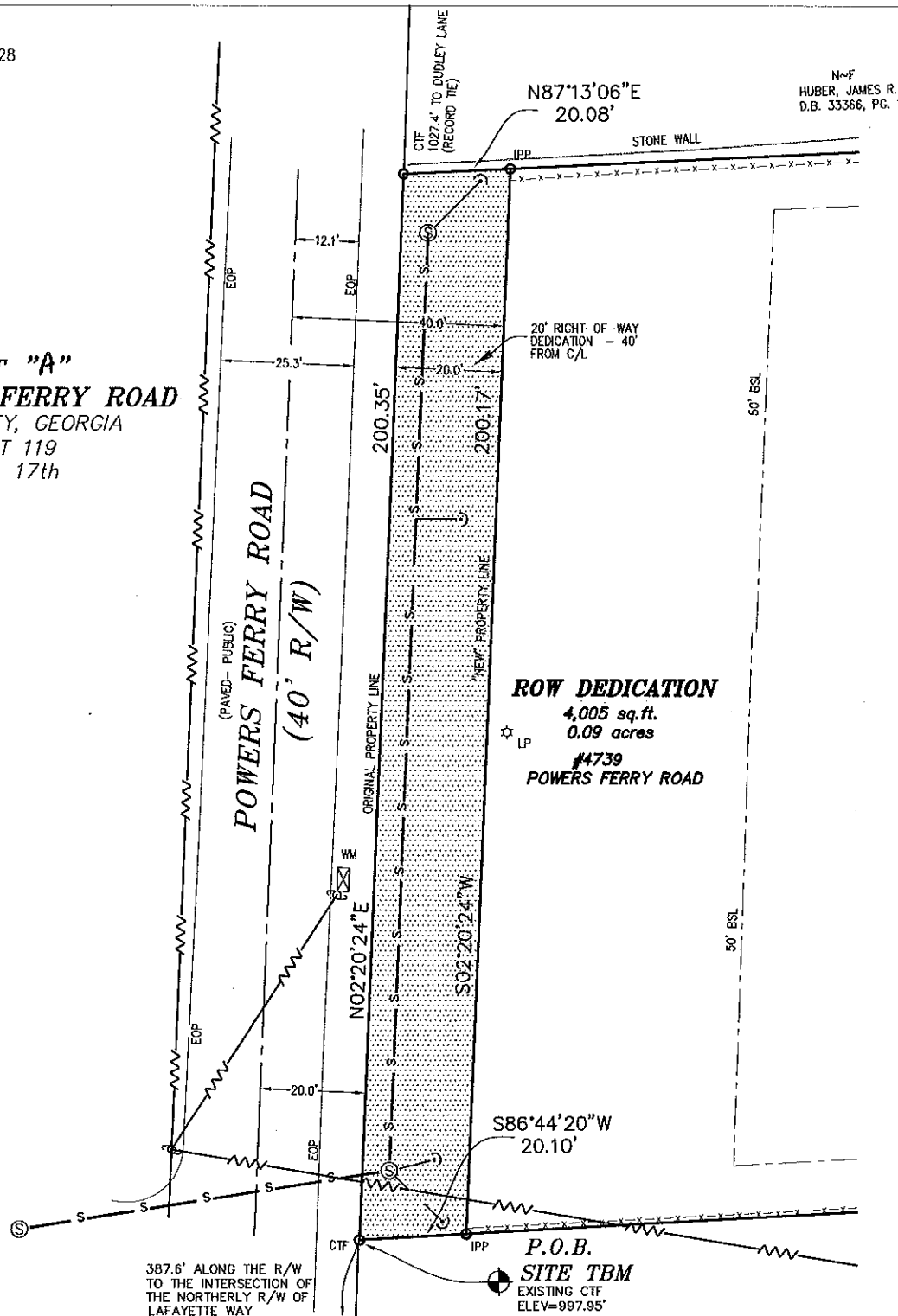
**OWNER/DEVELOPER:**

EAH INVESTMENTS, LLC  
1640 POWERS FERRY ROAD  
BLDG. 4, SUITE 300  
MARIETTA, GA 30067

TAX ID# 17-0119-0001-005

SANDY SPRINGS  
FILE #2013-00093

**EXHIBIT "A"**  
**4739 POWERS FERRY ROAD**  
FULTON COUNTY, GEORGIA  
LAND LOT 119  
DISTRICT: 17th



**Engineering, Inc.**

280 HERITAGE WALK

WOODSTOCK, GEORGIA 30188

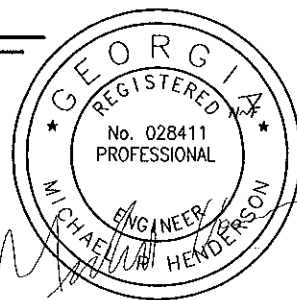
PHONE: (678) 462-4021

FAX: (678) 445-4326

CONTACT: BRENNEN HICKS



SCALE: 1"=30'



PROPERTY ADDRESS:  
4739 POWERS FERRY ROAD  
SANDY SPRINGS, GEORGIA 30328

OWNER/DEVELOPER:  
EAH INVESTMENTS, LLC  
1640 POWERS FERRY ROAD  
BLDG. 4, SUITE 300  
MARIETTA, GA 30067

**EXHIBIT "B"**  
**4739 POWERS FERRY ROAD**  
FULTON COUNTY, GEORGIA  
LAND LOT 119  
DISTRICT: 17th

TAX ID# 17-0119-0001-005

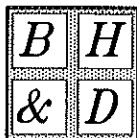
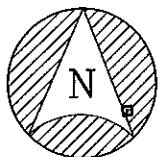
SANDY SPRINGS  
FILE #2013-00093

## LEGAL DESCRIPTION-

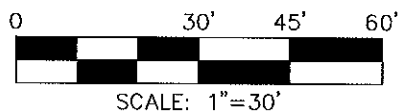
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 119 OF THE 17TH DISTRICT,  
OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED ON THE NORTHERLY RIGHT OF WAY OF  
POWERS FERRY ROAD (R/W ) AND LAFAYETTE WAY (R/W); TRAVEL ALONG RIGHT OF WAY OF POWERS FERRY ROAD  
NORTHEASTERLY A DISTANCE OF 387.6 FEET TO A POINT AND THE TRUE POINT OF BEGINNING;  
THENCE TRAVEL NORTH 02 DEGREES 20 MINUTES 24 SECONDS EAST A DISTANCE OF 200.35 FEET TO A POINT;  
THENCE TRAVEL NORTH 87 DEGREES 13 MINUTES 06 SECONDS EAST A DISTANCE OF 20.08 FEET TO A POINT;  
THENCE TRAVEL SOUTH 02 DEGREES 20 MINUTES 24 SECONDS WEST A DISTANCE OF 200.17 FEET TO A POINT;  
THENCE TRAVEL SOUTH 86 DEGREES 44 MINUTES 20 SECONDS WEST A DISTANCE OF 20.10 FEET TO THE  
TRUE POINT OF BEGINNING.

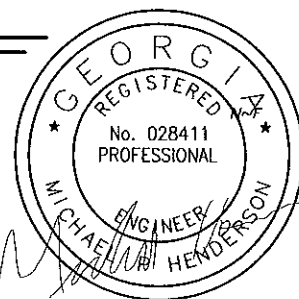
SAID TRACT OF LAND CONTAINS 4,005 SF/0.09 ACRES MORE OR LESS



# Engineering, Inc.



280 HERITAGE WALK  
WOODSTOCK, GEORGIA 30188  
PHONE: (678) 462-4021  
FAX: (678) 445-4326  
CONTACT: BRENNEN HICKS





STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DEDICATION OF RIGHT OF WAY  
ON PROPERTY LOCATED IN LAND LOT 119 OF THE 17<sup>th</sup> DISTRICT,  
FULTON COUNTY, CITY OF SANDY SPRINGS, GEORGIA**

**WHEREAS**, it is necessary, from time to time, to establish policies, procedures and guidelines consistent with the administration of a municipal government consistent with the US Constitution, Federal Statutes, alignment with Federal, Georgia's State Constitution, and the Charter for the City of Sandy Springs, and

**WHEREAS**, the City Manager directed the Department of Public Works to develop standard policies for recurring matters, to establish appropriate internal controls and legal compliance, and to provide for an efficient and effective means to serve constituents; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA**

That they approve the acceptance of the dedication a Right of Way Deed from EAH Investments, LLC on property more particularly described as 4739 Powers Ferry Road in Sandy Springs, Georgia.

As required per conditions of zoning and or land development regulation ordinance, the City authorizes the acceptance of the required 4,005.00 Square Feet of Right of Way in land lot 119, of the 17<sup>th</sup> District, Fulton County, City of Sandy Springs, Georgia.

**RESOLVED** this the 3<sup>rd</sup> day of December, 2013.

Approved:

\_\_\_\_\_  
Eva Galambos, Mayor

Attest:

\_\_\_\_\_  
Michael Casey, City Clerk  
(Seal)